

Monday, 18 April 2005

Attention:  
Lee Simms  
Division of Water Rights  
PO Box 146300  
Salt Lake City, UT 84114-6300

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WATER RIGHTS  
SALT LAKE

Attention Lee Simms:

I am a water user on the South Mesa in the LaSal Mountains (Moab). Each year I receive water from the Water District, Moab Irrigation Company, high water from David Barry, and my own water rights. Beginning April 1<sup>st</sup> thru October 31<sup>st</sup> we should receive no less than 1.75 cfs plus high water when we are so blessed. I take 70 acre feet of water in winter months (November-March) for stock watering. The staff gauge should read .22 in a 12 inch weir for these months.

We pay the state annually for a water commissioner who is to measure the water and turn it up or down according to time of year and flow. Our head gate is locked and the commissioner alone carries the key. Each year at our annual meeting, my concerns are:

1. Not receiving the water I am allotted and have paid for;
2. The commissioners mental and physical capability of performing this job accurately. I do not feel that he is trained properly and lacks the ability to understand what the flows should be or how to figure the flows to measure correctly. To me he seems to be more like a puppet in the hands of the state through which the state can manipulate stealing water from other users;
3. Does the commissioner's log book coincide accurately with the annual report? I would like a copy of his hand-written records (which should be recorded with ink rather than pencil) included with the annual reports.
4. At our annual water users meeting, the commissioner is always present so if one is to discuss his performance candidly as I have (refer to meeting minutes), I feel that I become the recipient of ill deeds concerning the delivery of our allotted water.

My greatest concern at present:

I have discovered that this winter our head gate was never lowered to reduce our flow to stock watering. This winter, as it turns to spring, I found no water coming in the ditch. After a very difficult hike through snow drifts on 7 April 2005, I found rocks in the ditch which is not unusual for this time of year. I understand you cannot be at fault for the rocks. To avoid washing the hillside away this time of year I have purposely allotted only a small amount of water to be in the ditch for stock watering purposes only. To my dismay there was a large stream in the ditch that overflowed and washed the hillside away. I continued to the head gate. I discovered that it was still locked open at .59 on staff gauge 12 inch weir throat—almost three times as much water as should have been. I asked the commissioner why he didn't turn it down. He laughed and said, "We had early snow and I wasn't going to get stuck in it."

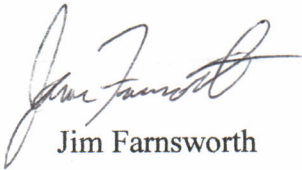
Why couldn't he notify me, get me a key, or get someone else to help?

My request to the state at this time concerning damage incurred due to negligence of the water commissioner:

I am requesting the state water division to consider its responsibility in this urgent matter to give aid in repairing damages to our ditch. To repair the ditch I believe it will take four or five culverts plus equipment to install them. I am requesting that the state water division pay for these culverts, their installation, and loss of water, and possibly crops if these problems are not addressed soon.

Concerning our phone conversation:

You stated that you called the commissioner and he was to go and turn out the water on Friday, 8 April 2005. It still has not happened to this day, the 18<sup>th</sup> of April.



Jim Farnsworth

cc: Jerry Olds, Governor Jon Huntsman

Address: 2150 South Shumway Ln.  
Moab, UT 84532

Phone: (435)259-8273